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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,577	12/18/2001	Sung Woo Hong	9242.1	2471

7590 06/16/2004

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EXAMINER	
ARNOLD, ADAM	

ART UNIT	PAPER NUMBER
2671	6

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,577	HONG, SUNG WOO	
	Examiner	Art Unit	
	Adam Arnold	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The examiner acknowledges the receipt and entry of the applicant's amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 4, 7, 11, 13, 14, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratton, U.S. Patent Pub. No. 2003/0105678 A1. Referring to claim 1, Bratton discloses a system for distributing visual art comprising a global computer network (paragraph 17), a website connected to the network that displays on a monitor (paragraph 15), enabling a buyer to select at least one subject from a plurality of subjects (paragraph 19) and to select a payment source (paragraph 22). Bratton does not disclose drawings, or allowing the user to provide a mailing address where the drawings are sent. Rather, Bratton deals with video selections and provides a "content warehouse", where the user can store a library of viewable selections (paragraph 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to substitute an electronic storage facility rather than a mailing address. One of ordinary skill in the art would have been motivated to do this because an electronic storage facility is a place to receive and store the products just as a mailing address allows you to receive drawings and store them (in your home, for example). Moreover, video

selections are not patentably distinguishable form drawings, because video can be considered a continuous flow of individual drawings.

Referring to claim 3, Bratton discloses where the web site includes a video viewable by the user (paragraph 9).

Referring to claim 4, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 7, the video is delivered to a "content warehouse" (paragraph 9), which holds it and provides information about the selected object (i.e. filename, file size, etc.).

Referring to claim 11, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 13, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 14, the remarks presented above with regard to claim 7 apply equally to this claim.

Referring to claim 23, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 25, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 26, the remarks presented above with regard to claim 7 apply equally to this claim.

3. Claims 2, 5, 6, 8-10, 12, 15-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratton in view of Sick, U.S. Patent Pub. No. 2003/0216971. Referring to

claim 2, Bratton does not explicitly enable the buyer to select a time interval at which individual items are delivered to the buyer, although the buyer is apparently free to make his selections whenever he wishes. Sick discloses where the user is able to select the time period in which to compare rates (in this case, for purchasing energy, see paragraph 206). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to select the time interval at which items are delivered to the buyer. One of ordinary skill in the art would have been motivated to do this in order to provide the user with more control over their purchase, for example to consider when to expend the money.

Referring to claim 5, Bratton does not disclose a single sheet with plural drawings from each frame. Bratton does disclose a video selection with advertisements inserted in the program selections (paragraph 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have a single sheet with plural drawings from each frame. One of ordinary skill in the art would have been motivated to do this because having a single sheet with plural drawings from each frame is analogous to a video selection with advertisements inserted in the program selection, i.e., one screen or sheet with multiple content. Moreover, drawing on a transparent film is not patentably distinguishable because the transparency just serves as a medium for holding the drawings. It is not being used for a specific purpose such as overlaying multiple sheets.

Referring to claim 6, the remarks presented above with regard to claim 5 apply equally to this claim. Bratton does not disclose hand-painted drawings. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have hand-painted drawings in the animation. One of ordinary skill in the art would have been

motivated to do this because (as pointed out in the rejection to claim 1 above), a video can be considered a continuous flow of individual drawings, regardless of how they are drawn.

Referring to claim 8, Bratton discloses promoting animation art, in that artists might be more productive in knowing that their work is protected by electronic licensing schemes such as these. Bratton does not explicitly disclose where the buyer is provided with a license indicating a right to purchase an item, although the license in Bratton (paragraph 9) could be printed out on paper in which in would constitute a license card. Moreover, the other users with a license could be part of a "license holders" club. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have a license constitute a membership card and for license holders to be part of a membership club. One of ordinary skill in the art would have been motivated to do this because the purpose of a membership card is to show membership in a group or club, which the license in Bratton adequately fulfills.

Referring to claim 9, the remarks presented above with regard to claim 6 apply equally to this claim.

Referring to claim 10, the remarks presented above with regard to claim 5 apply equally to this claim. Bratton does not disclose where the transparent film of claim 5 is placed over a printed background scene. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to place a transparent film over a background. One of ordinary skill in the art would have been motivated to do this because every video scene has to have a background (even if it is just a blank monochrome space).

Referring to claim 12, the remarks presented above with regard to claim 2 apply equally to this claim.

Referring to claim 15, the remarks presented above with regard to claim 8 apply equally to this claim.

Referring to claim 16, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 17, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 18, the remarks presented above with regard to claims 1 and 2 apply equally to this claim.

Referring to claim 19, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 20, the remarks presented above with regard to claim 7 apply equally to this claim.

Referring to claim 21, the remarks presented above with regard to claim 8 apply equally to this claim.

Referring to claim 22, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 24, the remarks presented above with regard to claim 5 apply equally to this claim.

Response to Arguments

Applicant's arguments filed March 25, 2004 have been fully considered but they are not persuasive. The applicant devotes the first several pages of the response to applicable case law, which the examiner has utilized in forming the rejection. In the second paragraph, page 13, the applicant argues that the invention specifies that the drawings are provided as individual works, and not as a stream of drawings constituting a video; and furthermore, the invention is a vehicle for instructing children how cartoon characters are animated in movies. These limitations are not part of the claimed language, however, and need not be considered. In the last paragraph of page 13, the applicant further describes the purpose of the applicant's invention, as opposed to what is explicitly in the claims. The applicant does quote one section from claim 1: "one subject from a plurality of different subjects for drawings." This broad statement means the buyer can pick the subjects for the drawings, and since a video consists of individual drawings, this limitation is met by Bratton.

In the first paragraph on page 14, the applicant argues that "in one embodiment of the applicant's invention, the drawing is non-digitized, hand-drawn and must be mailed as a hardcopy. Consequently, as an original work of art it has enhanced value. The enhanced value of the drawings is not in the claims and will not be considered. In the second paragraph on page 14, the applicant cites a passage from claims 4 and 11, which states that the drawings change in size or position "in an animated manner." As pointed out in the rejection above, this limitation is met by a video, which is a continuous flow of individual drawings. The applicant also points out that the drawings "gives the buyer, particularly children, a sense of the subject changing over

time, for example, a pet growing up such as a puppy becoming a full grown dog." This is not part of the claimed language and is therefore not considered. Regarding the drawing on a transparent film, this specific limitation has been dealt with in the claim 5 rejection above.

Finally, on page 15, the applicant argues that Bratton and Sick are non-analogous art in that they fail to teach children how animation works. Again, this is not part of the claimed language and is therefore not considered.

The rejections to these claims stand.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Arnold whose telephone number is 703 305 8413. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703 305 9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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